

JP

STATE OF MARYLAND

IN THE CIRCUIT COURT

v.

FOR FREDERICK COUNTY

MICHAEL JOHN BROWN

CASE NO. C-10-CR- 23-000540

REQUEST FOR DISCOVERY

Now comes the Defendant, **MICHAEL JOHN BROWN**, by and through Counsel, Linda B. Zeit, and respectfully re- quest unto this Honorable Court that the following information and exhibits may be material to the prepa- ration of this defense and requests that this Honorable Court direct that the State's Attorney provide forthwith or produce and permit counsel for the defendant to inspect and copy or photocopy the follow- ing information to counsel for the Defendant:

1. All books, papers, documents, recordings, photographs or tangible objects obtained from or belonging to the Defendant, or obtained from any other source, which the State intends to use at a hearing or a trial.
2. Any item obtained from or belonging to the Defendant regardless of whether the State intends to use the item at a hearing or trial.
3. As to statements:
 - a. A copy of any written or recorded statement made by the Defendant;
 - b. The substance of each oral statement; and
 - c. A copy of all reports of each oral statement.
4. A copy of any written or oral statement with which the Defendant was confronted and in which he acquiesced, and which will be introduced against him at the trial of this case in chief.
5. Copies of any written or recorded statements and the substance of any oral statements made by a co-defendant, accomplice or participant in allegedly criminal conduct which may be introduced into evidence at a hearing or trial.
6. A list of the names and addresses of all witnesses whom the State intends to call as witnesses at a hearing or trial to prove its case in chief or to rebut alibi testimony.
7. Copies of any written statement made by any witness whom the State intends to call to prove its case in chief.
8. Any material or information which tends to negate the guilt of the Defendant as to the offense charged or would tend to reduce the punishment therefore, or would be of assistance in impeaching the credibility of a State witness or would in any way be material to the criminal responsibility of this Defendant at the time of the offense.
9. The Police Offense Report(s) pertaining to each of the complaints against the Defendant.
10. Any relevant material or information regarding
 - a. Searches and seizures,
 - b. Wire taps,
 - c. Eavesdropping,
 - d. Electronic surveillance,

- e. Pretrial identification of the Defendant by a witness for the State.
11. All particulars regarding a line-up, if held, including:
- a. Date, time and place thereof.
 - b. Persons who identified the Defendant.
 - c. Persons who attended and viewed same.
 - d. Persons who failed to identify the Defendant
 - e. Defendant requests that he/she be furnished a copy of the line-up sheet and a photograph of the line-up.
12. All relevant information regarding any photographic identification or attempted photographic identification, including:
- a. Date, time and place thereof.
 - b. Persons who identified the Defendant.
 - c. Persons who viewed same.
 - d. Persons who failed to identify the Defendant
 - e. Names and identification numbers of all other persons whose photographs were exhibited.
13. The names and addresses of any confidential informant who:
- a. Was present at the commission of the alleged offense or at some part thereof; or
 - b. Witnessed the commission of the alleged offense or some part thereof; or
 - c. Participated in the commission of the alleged offense in some manner, or in some part thereof; or
 - d. Played any part in the alleged offense.
14. If it is alleged that a search and seizure was conducted which led to the discovery of evidence and/or the arrest of the Defendant, then Defendant hereby requests that he/she be furnished with a copy of the application, warrant and affidavit upon which said search, seizure and/or arrest were predicated.
15. All written reports or statements made in connection with the particular case by each expert consulted by the State, including the results of any physical or mental examinations, scientific tests, experiment or comparison; the substance of any oral report and conclusion made in connection with the particular case by each expert consulted by the State, including the results of any physical or mental examination, scientific test, experiment or comparison. If any kind of chemical test or analysis was conducted for the purpose of identifying any suspected narcotic or other prohibited drug, then supply the following information:
- a. The name, address and qualifications of each person who conducted any such tests, or who participated therein.
 - b. On what date(s), and where, were such tests conducted.
 - c. Set forth each and every particular test or procedure used, describe the results of each test or procedure, and state the conclusions reached by each such alleged expert as a consequence of such results.
 - d. Are there any physical documents, charts, graphs, or other objects still available which were prepared or obtained in connection with any of these tests or procedures? If so, describe fully, (or attach copies thereof, if possible).

- e. If the answer to Interrogatory Number 15(d) is yes, in whose custody are such records at the present time?
16. If any fingerprints were found at the crime scene or on any objects associated with this case, all materials relating to the fingerprints and to the identification thereof.
17. A copy of any photographs and/or motion pictures taken of the Defendant in connection with this case, including the date and place of any such photographs and/or motion pictures.
18. A complete copy of the autopsy report and all documents, findings, papers, etc., in connection therewith.
19. Pursuant to the Fifth and Sixth Amendments to the United States Constitution; Article 21 of Maryland's Declaration of Rights; Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972); Kyles v. Whitley, 514 U.S. 419 (1995); Fields v. State, 432 Md. 650 (Md. 2013); Rule 4-263 of the Maryland Rules of Criminal Procedure; and Rule 19-303.8 of the Maryland Rules of Professional Conduct, the Defendant hereby requests the State to provide the following:
- a. All internal affairs files of any law enforcement officers or law enforcement civilian employees who took part in the investigation of the above-captioned case; and
 - b. Any and all information indicating whether any of those officers or civilian employees have been investigated by any law enforcement agency for misconduct in office or anything related to honesty; and
 - c. Any additional information required to be disclosed pursuant to the aforementioned points of authority.
20. Grand Jury Testimony:
- a. A transcript of the grand jury testimony of those witnesses whom the State intends to call to prove its case in chief, or to rebut alibi testimony, and which relates to the subject case.
 - b. In the alternative, Defendant prays that the State's Attorney produce and permit counsel for the defense to inspect such testimony.
 - c. Further, Defendant prays that the State's Attorney supply to defense counsel the names and addresses of all witnesses who testified before the grand jury in this proceeding.
21. The complete record of criminal convictions of any witness listed in Answer to paragraph 6.

Produce and permit counsel for the Defendant to view, inspect, photograph and/or duplicate any computer generated evidence as defined in Rule 2-504.3 (a).

Respectfully submitted,

/s/ Linda B. Zeit

/S/ Linda B. Zeit

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Request For Discovery was delivered electronically to the Office of the State's Attorney for Frederick County on June 15, 2023.

/S/ Linda B. Zeit
Office of the Public Defender